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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/334,530
Applicant: Korbin S. Van Dyke, et al.
Title: PROFILING EXECUTION OF COMPUTER PROGRAMS
Filed: June 16, 1999
Art Unit: 2122
Examiner: Chameli Das
Atty Docket: 114596-10-4017
Customer No. 38492

Confirmation No.: 5424

I certify that this correspondence, along with any documents referred to therein, is being deposited with the United States Postal Service on March 10, 2004 as First Class Mail in an envelope with sufficient postage addressed to Art Unit 2122, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dwight E. Bond

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In accordance with 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant wishes to make of record the enclosed items, as listed on the accompanying Form PTO-1449. Applicant respectfully requests the Examiner to fully consider the items and independently ascertain their teaching before issuance of the next action, and to make them of record in the file. The Examiner is also requested to initial and return a copy of the enclosed Form PTO-1449 to evidence such consideration.

1. Applicant has listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated. Applicant reserves the right to establish the patentability of the claims over any information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This Information Disclosure Statement should not be construed as a representation that information more material to the examination of this application does not exist.

2. The references listed on the enclosed Form 1449 are references that have come to light in applications listed in the Information Disclosure Statement of October 2000. Applicant has not reviewed all of them in detail. Of those that have been reviewed, none of the references are believed to be any more pertinent than the references provided in earlier IDS' and Forms 1449. However, in an abundance of caution, Applicant requests that they be considered.

3. For non-patent items listed on the enclosed Form PTO-1449 for which a copy is not already made of record in this application, a copy was previously cited by or submitted to the Patent and

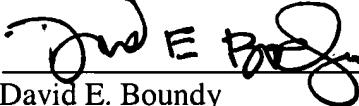
Trademark Office in application Serial No. 09/239,194, filed January 28, 1999, Yates et al., Executing Programs for a First Computer Architecture on a Computer of a Second Architecture, or in application Serial No. 09/322,443, filed May 28, 1999, Reese et al., Profiling of Computer Programs Executing in Virtual Memory Systems.

4. This Information Disclosure Statement it is being filed more than three months after filing of this application and after the mailing of a first Office Action on the merits, but before the mailing date of a final action or an action that otherwise closes prosecution in the application. A fee is due pursuant to 37 C.F.R. §1.97(c)(2). That fee was paid with the Information Disclosure Statement filed April 30, 2003. Because Applicant has received no indication that that IDS was entered or considered, Applicant submits that the fee paid therewith also covers this IDS. In the alternative, kindly charge the fee due under C.F.R. §1.17(p) to 23-2405, Order No. 114596-10-4017.

5. The Commissioner is hereby authorized to charge any additional fees that may be required for this Information Disclosure Statement, or credit any overpayment, to Deposit Account No. 23-2405, Order No. 114596-10-4017.

Respectfully submitted,
WILLKIE FARR & GALLAGHER, LLP

Dated: March 10, 2004

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